United Nations S/RES/1445 (2002)

Security Council

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Resolution 1445 (2002)

Adopted by the Security Council at its 4653rd meeting, on 4 December 2002

The Security Council,

Recalling its previous resolutions and statements by its President regarding the Democratic Republic of the Congo,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all other States in the region,

Reaffirming further the obligation of all States to refrain from the use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purpose and principles of the United Nations,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources,

Recalling the responsibilities of all the parties to cooperate in the full deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

Recognizing the importance of a gender perspective in peacekeeping operations, in accordance with Security Council resolution 1325 (2000), and the importance of the protection of children in armed conflict, in accordance with its resolution 1379 (2001),

Taking note of the Secretary-General's special report of 10 September 2002 (S/2002/1005) and its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

1. *Welcomes* the signature by the Democratic Republic of the Congo and Rwanda of the Pretoria Agreement on 30 July 2002 (S/2002/914), as well as the signature by the Democratic Republic of the Congo and Uganda of the Luanda Agreement on 6 September 2002 and *welcomes also* the efforts of the Republic of South Africa, Angola, and of the Secretary-General, in facilitating the adoption of these agreements;

2. *Welcomes* the decision taken by all the foreign parties to withdraw fully their troops from the territory of the Democratic Republic of the Congo, as well as

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progress in the implementation of these processes, in particular the withdrawal of 23,400 Rwandan troops from the Democratic Republic of the Congo verified by the Third Party Verification Mechanism (TPVM) on 24 October, as well as withdrawals by Uganda, Zimbabwe and Angola, and *stresses* the importance for these withdrawals to be completed in a transparent, orderly and verified manner, and in this regard *underlines* the need for the parties to facilitate the verification of these withdrawals, including through the continuous provision to MONUC of detailed information on these withdrawals and requests the Secretary-General to report to the Council on this matter;

3. *Expresses full support* for the TPVM, welcomes its work in helping the parties to implement the Pretoria Agreement, in accordance with Security Council resolutions and the norms of International Law, and *stresses* the importance of close cooperation between the Government of South Africa and MONUC in the work of TPVM;

4. *Stresses* the importance of the voluntary nature of the disarmament, demobilization, repatriation, reintegration or resettlement (DDRRR) of the armed groups referred to in annex A, Chapter 9.1 of the Lusaka Ceasefire Agreement (S/1999/815), *calls on* the leaders and members of the armed groups to enter the DDRRR process, also *calls on* all concerned to work to this end, *emphasizes* the need to intensify MONUC's public information efforts in this regard and *calls on* all parties to support these efforts;

5. *Stresses* the importance of further early and substantial progress on the process of voluntary DDRRR throughout the country to match the progress achieved on the withdrawal of foreign forces, and *urges* all parties concerned to cooperate fully with MONUC in this regard;

6. *Welcomes* the repatriation of ex-combatants and their dependants from Kamina, though noting that the numbers repatriated falls short of the original numbers assembled, and *recognizes* the good will and efforts of the Governments of the Democratic Republic of the Congo and Rwanda in cooperating on this issue with MONUC thus far;

7. *Welcomes* the efforts of the Government of Rwanda in providing guarantees that ex-combatants and their dependants will be able to return in conditions of safety and security, *stresses* the importance of such guarantees, *stresses also* the importance of confidence-building measures, including international monitoring and reintegration assistance, and calls upon the United Nations Secretariat, and other relevant bodies, in consultation with the signatories of the Lusaka Ceasefire Agreement, to address the issue of the resettlement of any ex-combatants who may not wish to return to their home country;

8. *Welcomes* the statement of 24 September 2002 of the Government of the Democratic Republic of the Congo banning the activities of the Forces Démocratiques de Libération du Rwanda throughout the territory of the Democratic Republic of the Congo and declaring the leaders of this movement persona non grata on its territory, and encourages it to implement further their commitments to advance the DDRRR of the armed groups in accordance with the Pretoria Agreement;

9. *Welcomes* the commitment of the Government of the Democratic Republic of the Congo and other Congolese parties to achieve an inclusive

agreement on the political transition, *stresses* the importance of such an agreement to the wider peace process, calls on all Congolese parties to cooperate actively with a view to a speedy conclusion of such an agreement, and in this regard *expresses* its full support for the efforts of the Special Envoy of the Secretary-General;

10. *Takes note* of the encouraging developments on the ground, *endorses* the recommendations of the Secretary-General in his special report, including those relating to MONUC's support for the TPVM as well as the proposal to extend the funding of MONUC's quick impact projects, *endorses* in particular, the new concept of operation outlined in paragraphs 48 to 54 of this report and *authorizes* the expansion of MONUC to consist of up to 8,700 military personnel, principally comprised of two task-forces, to be deployed in a phased basis as follows: the second task force shall be deployed when the Secretary-General reports to the Council that the first task force has been successfully deployed and the disarmament, demobilization and repatriation (DDR) caseload can not be met by the existing capacity of the first task force alone;

11. In regard to DDR under the new MONUC concept of operation, *endorses also* the interim funding mechanism in paragraph 74 for the voluntary DDR of members of foreign armed groups, *recognizes* the importance of addressing the repatriation of the dependants along with the ex-combatants and *calls on* the International Community to provide the funds for this process;

12. *Calls upon* MONUC to pay special attention in carrying out its mandate to all aspects relating to gender perspective, in accordance with resolution 1325 (2000), as well as to the protection and reintegration of children, in accordance with resolution 1379 (2001);

13. *Stresses* that the main responsibility for resolving the conflict rests with the parties themselves, that they must continue to demonstrate their will to respect fully their commitments and that further efforts will be necessary to reach a comprehensive solution to the conflict and, in this regard:

- *Calls for* a full cessation of hostilities involving regular forces and armed groups throughout the territory of the Democratic Republic of the Congo, in particular in South Kivu and in Ituri;
- *Calls for* the cessation of all support to the armed groups referred to in Annex A Chapter 9.1 of the Lusaka Ceasefire Agreement;
- *Calls on* all parties to provide full access for MONUC and the TPVM throughout the territory of the Democratic Republic of the Congo, including inside all ports, airports, airfields, military bases and border crossings;
- *Calls also for* the surrender to the International Criminal Tribunal for Rwanda of any persons indicted by the Tribunal, and
- *Reiterates its demand* for Kisangani to be demilitarized without further delay or precondition;
- *Demands* that all parties work to the immediate full restoration of freedom of movement on the Congo river;

14. *Expresses* its deep concern over the humanitarian situation throughout the country and in particular in the Ituri region, *calls on* the parties to allow humanitarian agencies and organizations full access to populations in need and to

ensure the safety and security of humanitarian workers, and *condemns* those who seek to hamper the provision of assistance to civilians in need;

15. *Expresses its deep concern* over the intensification of ethnically targeted violence in the Ituri region, *condemns* all such violence or incitement to violence, requests all parties to take immediate actions to defuse these tensions, ensure the protection of civilians and end violations of human rights, *calls on* all parties, in particular the Union des Patriotes Congolais, to cooperate to set up the Ituri Pacification Commission, and *requests* the Secretary-General to increase the presence of MONUC stationed in the area, if he determines that the security condition allows it, in order to provide support to this process as well as to humanitarian efforts, and report back to the Council;

16. *Takes note* of Uganda's commitment under the Luanda Agreement to complete the withdrawal of its forces no later than 15 December 2002, *welcomes* the positive interaction between the Governments of the Democratic Republic of the Congo and of Uganda since the signing of the Luanda Agreement and *calls on* both parties to work, together and with MONUC, towards conditions that will allow the Agreement to be implemented in full;

17. *Reiterates* that no government, military force or any other organization or individual should provide military or any other form of support to any of the groups involved in the fighting in the east of the Democratic Republic of the Congo, in particular in Ituri;

18. *Encourages* MONUC to continue its assessment of police capabilities and training needs in the Democratic Republic of the Congo, including, when necessary, at the level of local communities, with special attention to the Ituri area;

19. *Calls on* all parties to pay special attention to all aspects relating to gender, in accordance with Security Council resolution 1325 (2000), and to the protection of children, in accordance with resolution 1379 (2001);

20. *Encourages* the Governments of the Democratic Republic of the Congo and, respectively, Rwanda and Uganda to take steps to normalize their relations and to cooperate to ensure mutual security along their borders as provided for in the Pretoria and Luanda agreements and also *encourages* the Governments of the Democratic Republic of the Congo and Burundi to take similar steps;

21. *Stresses* the crucial importance of preventing the situation in the Democratic Republic of the Congo from having a further destabilizing effect on the neighboring States, in particular Burundi, Rwanda, Uganda and the Central-African Republic, and *calls on* all parties concerned to cooperate in good faith to that end and to facilitate in this regard the continuing observation efforts by MONUC in the areas of its deployment, including eastern Democratic Republic of the Congo and border areas;

22. *Reaffirms* that an international conference on peace, security, democracy and development in the Great Lakes region, with participation by all the Governments of the region and all the other parties concerned, should be organized at the appropriate time under the aegis of the United Nations and the African Union with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

23. *Strongly condemns* the repeated harassment of Radio Okapi staff and *demands* that all parties concerned desist from such actions;

24. *Reiterates* its full support for the Special Representative of the Secretary-General and for all the dedicated MONUC personnel who operate in challenging conditions;

25. *Decides* to remain actively seized of the matter.

United Nations S/RES/1446 (2002)

Security Council

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4 December 2002

Resolution 1446 (2002)

Adopted by the Security Council at its 4654th meeting, on 4 December 2002

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the situation in Sierra Leone, and in particular its resolutions 1132 (1997) of 8 October 1997, 1171 (1998) of 5 June 1998, 1299 (2000) of 19 May 2000, 1306 (2000) of 5 July 2000 and 1385 (2001) of 19 December 2001,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Welcoming the end of the conflict in Sierra Leone, the significant progress made in the peace process and improvements in the overall security situation in the country, including in the diamond-producing areas, with the assistance of the United Nations Mission in Sierra Leone,

Emphasizing that the Government must strengthen its efforts to extend its authority throughout Sierra Leone, including the diamond-producing areas, and that the international community should continue providing assistance to reintegration of former combatants, and noting with concern that the situation in Liberia remains a threat to security in Sierra Leone, especially the diamond-mining areas, and to other countries in the region,

Recalling the role played by illicit trade in diamonds in fuelling the recent conflict in Sierra Leone, and expressing its concern at the current large volume of illicit trade in diamonds and its potential negative impact on the fragile situation in Sierra Leone,

Welcoming General Assembly resolution A/RES/56/263 of 13 March 2002, as well as ongoing efforts by interested States, the diamond industry, in particular the World Diamond Council, and non-governmental organizations to break the link between illicit trade in rough diamonds and armed conflict, particularly through the significant progress made by the Kimberley Process, and encouraging further progress in this regard,

Emphasizing the responsibility of all Member States, including diamond-importing countries, for fully implementing the measures in resolution 1385 (2001),

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Taking note of the views of the Government of Sierra Leone on the extension of the measures imposed by paragraph 1 of resolution 1306 (2000),

Determining that the situation in the region continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the latest report of the Government of Sierra Leone entitled the Fourth Review of the Certificate of Origin Scheme (S/2002/826) of 25 July 2002, including its assessment that the Scheme is helping to curb the illicit trade in diamonds from Sierra Leone;

2. *Decides* that the measures imposed by paragraph 1 of resolution 1306 (2000) shall remain in force for a new period of six months from 5 December 2002, except that, pursuant to paragraph 5 of resolution 1306 (2000), rough diamonds controlled by the Government of Sierra Leone under the Certificate of Origin regime shall continue to be exempt from these measures, and affirms that at the end of this period it will review the situation in Sierra Leone, including the extent of the Government's authority over the diamond-producing areas, in order to decide whether to extend these measures for a further period and, if necessary, to modify them or adopt further measures;

3. *Decides also* that the measures imposed by paragraph 1 of resolution 1306 (2000), as extended by paragraph 2 above, shall be terminated immediately if the Council determines that it would be appropriate to do so;

4. *Decides* that the Committee established by resolution 1132 (1997) shall continue its consideration of the measures referred to in paragraphs 2, 4 and 5 of resolution 1171 (1998) and present its views to the Council;

5. *Requests* the Secretary-General to publicize the provisions of this resolution and the obligations imposed by it;

6. *Decides* to remain actively seized of the matter.